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This Day was published,

NUMBER I.
A NEW EDITION,
(BEING THE FOURTH)
OF A
COMPLETE COLLECTION
OF
STATE-TRIALS,
AND
PROCEEDINGS
FOR
HIGH TREASON,
AND OTHER
CRIMES AND MISDEMEANOURS:

COMMENCING WITH

The Eleventh Year of the Reign of King RICHARD II.

AND ENDING WITH

The Sixteenth Year of the Reign of King GEORGE III.

TO WHICH IS PREFIXED,

A NEW PREFACE,

By FRANCIS HARGRAVE, Esq.

LONDON:

Printed by T. WRIGHT, Essex-Street, Strand:

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To the P U B L I C.

FEW Books contain Matter more gratifying to Curiosity, more interesting in Subject, or of more general Use, than the STATE-TRIALS; but the Price of a complete Sett of that useful and valuable Collection is now become so extravagantly dear, that a Work which ought to form a part of every Gentleman's Library, must in prudence be deemed too expensive for many Purchasers. This Circumstance, in some measure, gave rise to this Edition; but though Cheapness is a principal Object of the Editors, it is far from being their only One, as Improvement will also be strictly attended to. The present Price usually given for the last Edition in Sheets, with the Supplemental Volumes, is not less than THIRTY POUNDS; whereas the Price of the Edition now proposed in the same Form, will not exceed TEN GUINEAS. Yet, notwithstanding this very great Reduction, the New Edition will be printed with a New Type and good Paper, and will have several considerable Advantages in point of Addition and Improvement.

The Editors have been most disinterestedly favoured with the following Preface by Mr. HARGRAVE, Editor of the New Edition of Coke upon Littleton.

PREFACE TO THE PRESENT EDITION.

IT is become too frequent a practice to republish the most valuable works, with such a perfect silence as to former editions and the variations from them, or at least with such a slight notice, that the reader is left in a profound ignorance of many particulars both useful and necessary to be known. This omission may be very well excused in the instances of ordinary trash, with which the press too much abounds; for it would be an intolerable waste of time to descend into minute details about every insignificant production, which happens to gratify the false taste of the times, and runs through a number of editions. But works of genius of erudition or of science, and all which furnish important information or instruction, and are therefore worthy of being preserved from oblivion, ought to be treated in a more formal and respectful manner; and a loose and undistinguishing mode of newly editing such books is not less inconvenient and dissatisfactory to the reader, than discreditable to the publisher. Nor should this mark of distinction be confined to original works; compilations and collections, when they relate to very interesting subjects, being also fully intitled to the same attention. This observation strongly applies to a collection like that of the STATE-TRIALS. In the case of a work so connected with the jurisprudence and history of the country, it is of the utmost consequence to fix the comparative value and authority of the several editions; which cannot be done effectually, without a knowledge of their dates, their principal differences in point of contents, and the names and characters of the respective editors. With a view therefore to supply that sort of previous information, the want of which may be objected to so many other modern re-publications, we shall proceed to lay before the reader the best account we are able to give of the former editions of the STATE-TRIALS, and shall then explain the plan of the present edition.

The first edition of the STATE-TRIALS came out in the year 1719, and was comprized in four volumes folio. It began with the trial of William Thorpe for heresy in the 8th of Henry the fourth, and ended with that of Doctor Sacheverell in the latter end of queen Anne's reign. The name of the gentleman, who prepared this edition, is omitted; but in 1720 the same person published an abridgment of the work with some additional trials in eight volumes octavo, under the title of *Trials for High Treason and other Crimes*; and in 1738 he published a *Critical Review of the State-Trials* in one volume folio, which, though it includes a kind of abridgement, is quite a different work from the former: and from the title to this last book it appears, that Mr. Salmon was the first editor of the STATE-TRIALS at large. As we have had occasion to take notice of Mr. Salmon's *Critical Review*, and some readers may not be apprized of his character as an author, it may be of use to observe, that however indebted to him the publick may be for his industry in first forming a collection of STATE-TRIALS, and in afterwards abridging them, there is little obligation to him for some of his remarks upon them. In his political principles apparently an inveterate enemy to the revolution, he is frequently betrayed by an intemperate zeal into a false notion of characters and opinions, and too often disguises both when the demon of party demands a sacrifice. Thus, a work, which, if it had been executed by one with a mind too liberal to be governed by violent prejudices, and at the same time endowed with the requisite knowledge and judgment, would be a source of the most important instruction, by being prostituted to particular views loses great part of its value, and in some measure becomes a vehicle for the poison of misrepresentation. To this censure of Mr. Salmon, candor and justice require us to add, that, notwithstanding the faults which may be justly imputed to his *Critical Review*, it is in many respects a very useful work. Considered as a short historical abridgment of the trials, it is not without a considerable share of merit. Sometimes also he points out the sources, from which various parts of the STATE-TRIALS are drawn, where the notes to the collection at large are not sufficiently explicit. This kind of information, so very requisite for ascertaining the credit due to each trial, was such as his situation as first editor of the STATE-TRIALS must have enabled him to furnish more readily and accurately than almost any other person; and it is to be wished, that he had enlarged further on this head, many explanations being still wanting. Nor should we wholly reject his remarks; for it must be confessed, that those on trials, which were foreign to the bias of his political tenets, are frequently pertinent, and accompanied with suitable illustrations from the history of the times. Nay even some of the animadversions, which he makes under the malignant influence of party-spirit, may be deemed not altogether without foundation; and therefore, though it is always necessary to receive them with distrust and caution, yet they ought not to be wholly disregarded, where it is possible to discriminate the shades of truth from the tinge of exaggeration with which they are disguised.

The first edition of the STATE-TRIALS was succeeded in the same year by a separate volume, which contained the famous case of Ship-money and Harrison's trial for falsely accusing judge Hutton of high-treason on account of his opinion against the crown. In the preface to the collection, Mr. Salmon excuses the omission of the former

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case by observing, that it was to be found in *Rushworth*; but many of the speeches and arguments are not in his work, and the true reason for the omission appears to have been, that the publishers of the collection and the proprietors of the manuscripts from which part of the separate volume was printed, could not agree about the terms.

A second edition of the STATE TRIALS was published in 1730; and in consequence of the great accession of new matter, the work became swelled into six volumes folio. The first five volumes comprized the same period as the first edition, with the exception only of the proceedings in Parliament against Lord Chief Justice *Treflian* and others, in the reign of *Richard the second*, for high-treason, which are a few years earlier in date than the trial with which the first edition begins. But the differences in other respects were more considerable; for several trials were transposed in order to render the arrangement more conformable to the due order of time, some additions were made to the trials in the former collection, many trials not contained in that (particularly the case of *Ship-money* and *Hampden's trial* before mentioned) were interspersed, and the work was still further augmented by a number of new notes and references. As to the sixth volume, it consisted intirely of new matter; being a continuation of the trials from the death of queen *Anne* to the end of the reign of *George the first*, with an appendix of records relative to the whole work. Some few other particulars, in which the second edition was improved, will be found stated at the end of the very sensible preface, with which it was introduced to the publick. In this preface, the editor, after expatiating on the great utility of the STATE TRIALS, enters into a consideration of the excellence of our criminal law; compares it with the laws of other European states; and having evinced its superiority by a selection of the most striking instances, he proceeds to point out some of its principal faults and defects; several of which, such as those concerning the *peine fort & dure*, the summoning of juries, the use of Latin in our criminal proceedings, and the fees of gaolers, have been since corrected by the legislature; as the intelligent reader will easily recollect. This preface is much admired, and certainly deserves great commendation, as well in respect of the learning displayed in it, as on account of the spirit and judgment of most of the remarks, which, in general, do equal credit to the author's humanity and understanding. However, the preface is not wholly without exceptionable passages. It distinguishes the *civil* from the *criminal* part of our law, in terms highly disrespectful to the former, and with a degree of prejudice unworthy of so good a writer; for whilst he is studious to expose the faults of the *civil* branch of the *English* law, he appears quite forgetful of its excellencies. His treatment of our ecclesiastical courts is of the same kind. He points out some particular abuses of their proceedings, and thence seems to infer a general imperfection in their jurisdiction. But this is an inadequate way of deciding upon the merit of any system of laws, or of any species of judicature. The most excellent institutions could not stand the test of such a partial view; and should it be applied, it would necessarily lead us to a condemnation of that criminal law, which the learned writer himself so highly and so properly extols. These animadversions on the preface to the second edition of the STATE TRIALS do not proceed from the least wish to depreciate the merit of its author, being in truth extorted by the occasion; for had they been suppressed, the generality of praise might be extended by some into a concurrence with opinions, from which in fact we cannot withhold our dissent. To this account of the second edition of the STATE TRIALS, it should be added, that though no name is prefixed either to the title of the work or the preface, the editor is known to have been Mr. *Emlyn*, the same gentleman, to whose labours the publick is so much obliged, for the care and accuracy with which he edited Sir *Matthew Hale's History of the Pleas of the Crown*, and for the valuable notes with which he enriched that great work.

The second edition of the STATE TRIALS was in 1735 followed with two supplemental volumes; to the first of which is prefixed a preface, fully explaining the reasons of this addition, and the materials of which it is composed. In these two volumes there are many important cases, particularly the case of monopolies between the *East India Company* and Mr. *Sandys* in the latter end of the reign of *Charles the second*, in which the chief question was, as to the legality of the Company's patent for exclusive trade to the *East-Indies*. The period of the two volumes is described in their title-pages to be from the reign of *Edward the sixth* to the time in which they are published; but in fact, they do not contain any trial later than the tenth of *George the first*, and therefore should be considered, not as a continuation of the COLLECTION of TRIALS in the second edition, but merely as supplying its omissions. It was not till two or three years after the coming out of the 7th and 8th volumes, that Mr. *Salmon* published his *Critical Review*, on which we have already observed so much; and consequently they fall within the compass of his remarks. A second edition of these two supplemental volumes was reprinted in 1766, but without any alteration.

In 1742 a third edition of the STATE TRIALS was published in six volumes folio. The trials and cases in the supplemental volumes to the second edition are not comprized in this third edition; nor are we aware of any other difference between the two, than a very small addition of notes, a new disposition of Sir *Richard Spotiswood's* Trial the *Quo Warranto* case and perhaps a few other trials, and in the pages.

In 1766 appeared two other volumes of STATE TRIALS, being the 9th and 10th. These in point of time principally follow the former collection, and bring it down to the year 1760; though amongst these trials there are some of an antecedent period. The first of the two volumes contains a preface, to which we refer the reader for a fuller account of their contents.

Having finished our account of the former editions of the STATE TRIALS, we shall now exhibit the outline of the plan of the present edition.

I. The whole work will consist nominally of eleven, but will be so printed as to be fit for binding in six volumes folio. The first six will be printed exactly from the third edition, and the four next from the four supplemental volumes; with no other difference, than that each of the two columns, into which every page of the present edition will be divided, will comprize one page of the book from which it is printed, and will be numbered accordingly. By this mode of printing the publishers are enabled to consult cheapness, without sacrificing convenience; for in consequence of it, there will be only one half of the number of sheets, which would be otherwise necessary, and two volumes may be commodiously bound in one; and yet the references to the third will entirely correspond with the present edition. It is to be wished, that the pages of all the editions, so far as they

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respectively go, had been the same; but this attention to convenience having been hitherto neglected, the most eligible course seems to be to follow the *third* edition, that being the last; and all that can now be done to prevent disappointment, when a reference happens not to answer, is to remind the Reader, that books published before 1730, such as the first edition of *Hawkins's Pleas of the Crown*, necessarily refer to the first edition of the STATE-TRIALS; those published after 1730, such as *Hale's History of the Pleas of the Crown*, usually refer to the *second* edition; and those published after 1742, such as *Sir William Blackstone's Commentaries*, to the *third* edition, with which last the present one will entirely agree. As to the *eleventh* volume, it is reserved wholly for *additional* matter; the design being, that one part of it shall be occupied with a continuation of trials to the present time; and that the other part shall consist of such materials, as shall seem best calculated to supply any omissions in the former part of the collection.

II. In the present edition, the preface to the *first* edition, which was afterwards omitted, will be *restored*; together with that to the *case of Ship-money*; and the preface to the *second* edition, as it was re-printed with the name of Mr. *Emlyn* to it in the *third*, will be continued, as will also the prefaces to the supplemental volumes. The history of a publication is best preserved by inserting all the prefaces in their due order of time; though they are often omitted in modern editions of books, much to the dissatisfaction of nice and accurate readers.

III. The two alphabetical tables to this edition, the one of the persons tried of the times and places of their trial and of their crimes and punishments, and the other of the matter in general, will extend to all the eleven volumes. This will render a search for any thing in the present edition less tedious and troublesome, than it is in the *second* and *third* editions and their supplemental volumes; to which, in consequence of their being published at different times, there are no less than three distinct sets of tables instead of one.

From this view of the plan, on which it is determined to conduct the present edition, it is evident, that it must have very considerable advantages over the best of the former editions. It will be much less chargeable in the purchase; and yet equally commodious in the form, more various and valuable in the contents.

It only remains for the author of this preface to add a few lines concerning himself, lest he should be deemed further responsible than he means to be. The undertakers of the edition requested his assistance in suggesting a plan for the conduct of the work, and in furnishing a preface. With this request he hath cheerfully complied in the best manner he was able; and the result of his endeavours, he readily submits to the correction of the candid reader. But as to the superintendence revision and correction of the work in the printing, they are unavoidably devolved upon others; the writer of this preface having avocations, which would not leave him at liberty for such a laborious office, even though he was inclined to undertake it. However, the same desire of promoting an important and useful publication, which induced him to give his aid in its first commencement, will secure to the undertakers his advice in its progress and conclusion.

Inner-Temple, October 5, 1775.

FRANCIS HARGRAVE.

PROPOSALS
FOR
A NEW EDITION
OF THE
STATE-TRIALS.

